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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/507,868 02/22/00 LICHTINGER

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MMC2/0425

EXAMINER

DAVIS, D

ART UNIT

PAPER NUMBER

2855

DATE MAILED:

04/25/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/507,868**

Applicant(s)  
**Lichtinger et al**

Examiner  
**Octavia Davis**

Group Art Unit  
**2855**



- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

- ☒ Claim(s) 1-18 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-18 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Serial Number: 09/507, 868

Art Unit: 2855

4/17/01

## DETAILED ACTION

### *Inventorship*

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

### *Claim Objections*

✓ Claims 4, 11 and 15 are objected to because of the following informalities: In CL 1, line 4, insert “ a ” after “ form ”. Rewrite CL 11 for proper sentence completion. In CL 15, line 3, replace “ the first and second signal” with “ the first and second signals”. Appropriate corrections are required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

✓ Claims 1 - 18 are rejected under 35 U.S.C. 112, 2d paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention.

The following lack antecedent basis: In CLS 1, 8 and 14, lines 1, “ the weight ”. In CL 5, line 1, “ said sensor ”. In CL 7, line 14, “ said first second tracks ”.

In CLS 1, 7, 8, 14 and 16, “ a vehicle structure ” is not positively recited.

Also, in claims 1 and 7, how are the second and fourth tracks supported?

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 - 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Verma et al in view of Gagnon et al. Verma et al disclose a method and apparatus for measuring seat loading by sensors comprising a vehicle seat 10 having a support means 14, 28, tracks 26 forming an inboard and an outboard track assembly mounted on a vehicle structure 10, sensor assemblies 30 mounted on one of the tracks and their assemblies for generating a signal representative of the occupant weight and force, a central processor 52 for determining seat occupant weight based on signals generated by the sensors and combining the signals to determine seat occupant weight ( See Col. 2, lines 13 - 24 ) ( cls 1, 2, 7, 8 and 14 ), an airbag control means 72 communicating with the processor 52 and transmitting the seat occupant weight signals to the control means and controlling a deployment force of the airbag based on the seat occupant weight ( See Col. 3, lines 48 - 50 ) ( cls 3, 13 and 15 ), the inboard and the outboard track assemblies allowing fore and aft adjustment of the seat, the central portions being unsupported forming a gap ( between the spacer 32 ) between the vehicle structure and the track assemblies ( See Col. 2, lines 20 - 22 ) ( cls 4, 6, 10, 12, 16 and 18 ), the sensors 30 being positioned along the central track portion ( cl 5 ) and locating the track segment in the center location ( cl 17 ) but does not disclose the track assemblies having a predetermined cross-sectional area, each assembly having a track portion having a cross-sectional area that is less than the predetermined cross-sectional area ( cls 9 and 11 ). However, Gagnon et al disclose an occupant weight sensing system comprising a vehicle seat including a seat cushion 10 and a seat back

12, the seat having a rigid seat support member 16 or seat frame having a cross member extending between a plurality of side rails, the side rails capable of being joined to one another by the seat back and maintained parallel to one another by a fastening the seat frame to seat legs ( See Col. 4, lines 59 - 64 ).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify Verma et al according to the teachings of Gagnon et al for the purpose of, determining the weight of the seat occupant and providing sensors for collectively measuring the weight supported by a rigid frame.

Any inquiry concerning this communication should be directed to Examiner Octavia Davis at telephone number ( 703 ) 306 - 5896.



OD/2855

